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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To seek the renegotiation of the Paris Agreement on climate change or the negotiation of a new agreement, including the requirement for the Senate to provide its advice and consent to ratification of any such agreement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on _____

A BILL

To seek the renegotiation of the Paris Agreement on climate change or the negotiation of a new agreement, including the requirement for the Senate to provide its advice and consent to ratification of any such agreement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may cited as the “Paris Transparency and
5 Accountability Act”.

1 **SEC. 2. SENSE OF CONGRESS THAT THE UNITED STATES**
2 **SHOULD NOT REENTER THE PARIS AGREE-**
3 **MENT ABSENT FURTHER NEGOTIATIONS AND**
4 **ADVICE AND CONSENT TO RATIFICATION OF**
5 **THE UNITED STATES SENATE.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) On May 9, 1992, the United States Senate
8 provided its advice and consent to ratification re-
9 garding the United Nations Framework Convention
10 on Climate Change (Framework Convention), which
11 entered into force on March 21, 1994.

12 (2) The Framework Convention was ratified
13 under the express limitation that a decision by the
14 Conference of the Parties to adopt targets and time-
15 tables would have to be submitted to the Senate for
16 its advice and consent.

17 (3) The Kyoto Protocol, completed at the 3d
18 Conference of the Parties (COP) to the Framework
19 Convention in December 1997 in Kyoto, Japan, con-
20 tains emissions targets and timetables, and was
21 signed by the Clinton Administration on behalf of
22 the United States but never submitted to the Senate
23 for its advice and consent to ratification.

24 (4) The United Nations Climate Change
25 website states: “The Paris Agreement is a legally
26 binding international treaty on climate change.” And

1 yet this United Nations designated “legally binding
2 international treaty” has never been submitted to
3 the United States Senate for advice and consent as
4 required of treaties under article II, section 2 of the
5 Constitution.

6 (5) The Paris Agreement and every article and
7 clause thereof was accepted by President Barack
8 Obama on behalf of the United States solely through
9 executive action, rather than submitted to the Sen-
10 ate for its advice and consent to ratification.

11 (6) Implementation of the Paris Agreement
12 would serve as justification for pursuing unilateral
13 and punitive policies harmful to United States eco-
14 nomic competitiveness, including significant job loss,
15 increased energy and consumer costs, risks to grid
16 reliability, or any combination thereof.

17 (7) When originally negotiating the Paris
18 Agreement, incoming Special Presidential Envoy for
19 Climate John Kerry stated, if . . . “all the indus-
20 trial nations went down to zero emissions, it
21 wouldn’t be enough, not when more than 65 percent
22 of the world’s carbon pollution comes from the devel-
23 oping world”.

24 (8) The Paris Agreement allows the People’s
25 Republic of China, the world’s second largest econ-

1 omy and largest emitter of greenhouse gasses, to
2 continue as a developing country, and therefore jus-
3 tify energy and industrial policies that undermine
4 the economic and security interests of the United
5 States and its allies, and significantly increase emis-
6 sions in the foreseeable future.

7 (9) The People's Republic of China is on track
8 to increase its emissions by roughly 50 percent by
9 2030, consistent with the 2014 agreement with the
10 Obama Administration and its pledge under the
11 Paris Agreement.

12 (10) Since 2005 the People's Republic of China
13 increased emissions by four tons for every ton of
14 emissions reduced by the United States during the
15 same period.

16 (11) To protect the interests of the United
17 States and its citizens, prior to its submission to the
18 United States Senate for its advice and consent to
19 ratification, the Paris Agreement should be renegoti-
20 ated or new agreement negotiated to ensure the Peo-
21 ple's Republic of China reduces greenhouse gas
22 emissions at a pace and scale equivalent to that of
23 the United States.

24 (12) Through innovation and free market
25 forces, the United States has reduced its carbon di-

1 oxide emissions more than any other country in the
2 world, including the next 12 emissions-reducing
3 countries combined over the past 15 years.

4 (13) Between 1994 and 2018, global green-
5 house gas emissions grew significantly despite nearly
6 a quarter century of international climate agree-
7 ments and in spite of the United States, the Euro-
8 pean Union and other Organisation for Economic
9 Co-operation and Development (OECD) and G7 na-
10 tions reducing their emissions during the same time
11 period.

12 (14) The emissions reduction goals of the Paris
13 Agreement cannot be met without the development
14 and global deployment of affordable energy tech-
15 nologies, including storage, nuclear, and clean fossil
16 technologies, as well as commercial-scale carbon,
17 capture, utilization, and storage technologies.

18 (15) American economic growth and prosperity
19 is essential to the development and deployment of
20 these technologies to address global energy security
21 and reduction of global emissions. Punitive policies
22 such as taxes, mandates and regulations that in-
23 crease the cost of energy and American manufac-
24 turing will divert resources from the innovation of

1 affordable technologies necessary to reduce global
2 emissions.

3 (16) Global competitors to exported American
4 liquified natural gas, such as Russian produced nat-
5 ural gas, have lifecycle emissions up to 50 percent
6 higher than American exported liquified natural gas,
7 and domestic policies such as taxes, mandates, regu-
8 lations or banning of the domestically produced en-
9 ergy resource will result in higher global emissions
10 and run counter to the goals of international efforts
11 to reduce emissions all while hurting America's com-
12 petitiveness, security, and economic interests.

13 (17) The United States withdrew from the
14 Paris Agreement, pursuant to the terms of the
15 Agreement, which President Donald J. Trump first
16 announced on June 1, 2017, and took effect on No-
17 vember 4, 2020.

18 (18) On January 20, 2021, President Joseph
19 R. Biden, Jr., signed an Executive order providing
20 for the United States to reenter the Paris Agree-
21 ment.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States should not reenter the Paris
24 Agreement and Congress should refuse to consider any
25 budget resolutions and appropriations language that in-

1 clude funding for the Green Climate Fund or any affili-
2 ated body or financing mechanism—

3 (1) until the Paris Agreement is renegotiated,
4 or a new agreement is reached, in a manner that
5 would result in all major emitters, including the Peo-
6 ple's Republic of China, reducing their greenhouse
7 gas emissions to levels comparable to the United
8 States; and

9 (2) unless such agreement—

10 (A) is submitted to the United States Sen-
11 ate for its advice and consent to ratification;
12 and

13 (B) subsequently approved by the United
14 States Senate exercising its responsibilities
15 under Article II of the Constitution of the
16 United States.

17 **SEC. 3. RULES OF CONSTRUCTION RELATING TO PARIS**
18 **AGREEMENT.**

19 (a) RELATING TO PARIS AGREEMENT.—Nothing in
20 the Paris Agreement may be used to establish or dem-
21 onstrate the existence of a violation of United States law
22 or an offense against the law of nations in United States
23 courts, including—

24 (1) to establish standing, a cause of action, or
25 a source of damages as a matter of law; or

1 (2) to demonstrate whether an action by a Fed-
2 eral agency is arbitrary or capricious, an abuse of
3 discretion, or otherwise not in accordance with law.

4 (b) RELATING TO THIS ACT.—Nothing in subsection
5 (a) may be construed to modify or limit any obligation
6 of the United States pursuant to an international treaty
7 that was ratified by the President with the advice and con-
8 sent of the Senate, including the United Nations Frame-
9 work Convention on Climate Change.

10 **SEC. 4. ACTIONS TO ESTABLISH OR REVISE UNITED**
11 **STATES' NATIONALLY DETERMINED CON-**
12 **TRIBUTION UNDER THE PARIS AGREEMENT.**

13 (a) IN GENERAL.—Any action to establish or revise
14 the United States' nationally determined contribution
15 under the Paris Agreement shall have force and effect only
16 if—

17 (1) before the President submits the nationally
18 determined contribution to the United Nations
19 Framework Convention on Climate Change Secre-
20 tariat, the President submits to Congress a report
21 that—

22 (A) describes the proposed action;

23 (B) includes a plan for the United States
24 to meet its nationally determined contribution
25 under the Paris Agreement that includes—

1 (i) a complete description of measures
2 under the authority of the Federal govern-
3 ment necessary to achieve the United
4 States' nationally determined contribution,
5 including new or revised regulations, new
6 or revised authorities that require congres-
7 sional actions, and new or revised financial
8 incentives;

9 (ii) a description of how the United
10 States will use the Paris Agreement's
11 transparency provisions to confirm that
12 other parties to the Agreement, including
13 all major emitters, are fulfilling their an-
14 nounced contributions to the Agreement;

15 (iii) a description of how the United
16 States will utilize numerous energy
17 sources, including nuclear, fossil fuel, and
18 renewable technologies, to meet the nation-
19 ally determined contribution;

20 (iv) a description of any impact on
21 grid resilience and reliability that would re-
22 sult from policies necessary to meet the na-
23 tionally determined contribution;

24 (v) a description of how the nationally
25 determined contribution will promote the

1 availability of diversified energy supplies
2 and a well-functioning global market for
3 energy resources, technologies, and exper-
4 tise for the benefit of the United States
5 and United States allies and trading part-
6 ners;

7 (vi) a description of how the nation-
8 ally determined contribution will support
9 United States international efforts to al-
10 leviate energy poverty;

11 (vii) an analysis of the impact of in-
12 creased costs of energy or vital household
13 expenditures on low- or middle- income
14 families, and any disproportionate or in-
15 creased burden on such families, as a re-
16 sult of the nationally determined contribu-
17 tion;

18 (viii) a description of how the nation-
19 ally determined contribution will support
20 United States efforts to counter malign
21 Chinese, Russian, and other adversarial in-
22 fluence and domination over energy supply
23 chains; and

1 (ix) a description of how the nation-
2 ally determined contribution will impact
3 United States national security interests;

4 (C) includes, for any measure described in
5 subparagraph (B)(i) that could result in in-
6 creased costs of energy produced or consumed
7 in the United States or increased costs to man-
8 ufacture or produce goods or resources in the
9 United States, a description of specific policy
10 measures to prevent—

11 (i) job displacement that would result
12 as a result of any such measure;

13 (ii) reduced global competitiveness of
14 goods and resources manufactured or pro-
15 duced in the United States as a result of
16 any such measure; and

17 (iii) leaked emissions, including new
18 or increased lifecycle greenhouse gas emis-
19 sions that will occur outside of the United
20 States, as a result of any such measure;

21 (D) includes a specific timeline for imple-
22 menting the specific policy measures described
23 in subparagraph (C) in a manner that such
24 measures are fully implemented and in effect
25 prior to, or simultaneously with, the implemen-

1 tation and effect of the measures described in
2 subparagraph (B)(i) in order to effectively
3 counteract any negative impacts on domestic
4 jobs and manufacturing;

5 (E) includes an analysis of the nationally
6 determined contributions submitted with the re-
7 spect to the Paris Agreement by the Govern-
8 ment of the People's Republic of China and the
9 Government of the Russian Federation, the an-
10 ticipated effects on their respective domestic
11 greenhouse gas emissions, and the anticipated
12 effects on their respective global competitive-
13 ness;

14 (F) describes how the United States' na-
15 tionally determined contribution will impact the
16 level of total global emissions, based on the
17 most recent available global emissions data, and
18 how the United States' nationally determined
19 contribution in the aggregate with the nation-
20 ally determined contributions of other countries
21 submitted under the Paris Agreement will re-
22 sult in a reduction of global emissions below
23 2005 levels by 2036 or by the date that is 15
24 years after the submission of the United States'

1 nationally determined contribution, whichever
2 occurs later; and

3 (G) contains a determination of the Presi-
4 dent that the proposed action is in the national
5 interest of the United States; and

6 (2) during the 60-day period beginning on the
7 date on which the report is submitted under para-
8 graph (1), a joint resolution of disapproval described
9 in subsection (b) with respect to the proposed action
10 is not enacted into law.

11 (b) JOINT RESOLUTION OF DISAPPROVAL.—

12 (1) IN GENERAL.—In this subsection, the term
13 “joint resolution of disapproval” means only a joint
14 resolution of either House of Congress—

15 (A) the title of which is as follows: “A joint
16 resolution disapproving the action of the Presi-
17 dent to establish or revise the United States’
18 nationally determined contribution under the
19 Paris Agreement.”; and

20 (B) the sole matter after the resolving
21 clause of which is as follows: “Congress dis-
22 approves of the action of the President to estab-
23 lish or revise the United States’ nationally de-
24 termined contribution under the Paris Agree-
25 ment as proposed by the President in the report

1 submitted to Congress under section 3(a)(1) of
2 the Protecting American Resources, Innovation,
3 and Sovereignty Act on ____ relating to ____.”,
4 with the first blank space being filled with the
5 appropriate date and the second blank space
6 being filled with a short description of the pro-
7 posed action.

8 (2) CONGRESSIONAL PROCEDURES.—A joint
9 resolution of disapproval shall be considered in the
10 House of Representatives and the Senate in accord-
11 ance with paragraphs (4) through (6) of section
12 135(e) of the Atomic Energy Act of 1954 (42
13 U.S.C. 2160e(e)).

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (1) MAJOR EMITTER.—The term “major emit-
17 ter” means any country, or defined group of coun-
18 tries that share a common nationally determined
19 contribution under the Paris Agreement, that ac-
20 counts for at least one percent of global greenhouse
21 gas emissions based on most recent data as deter-
22 mined by the Department of State.

23 (2) PARIS AGREEMENT.—The term “Paris
24 Agreement” means the decision by the United Na-
25 tions Framework Convention on Climate Change’s

- 1 21st Conference of Parties in Paris, France, adopted
- 2 December 12, 2015.